

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

ROBERT PEEL

PLAINTIFF

v.

3:07CV00157 JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Defendant has filed a Motion to Remand this case pursuant to sentence four of 42 U.S.C. § 405(g) (1995). In pertinent part, this statute provides the following:

The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

The Commissioner seeks remand for further development of the record and to issue a new decision. Defendant indicates that Plaintiff's counsel was contacted and authorized Defendant to state that the Motion was not opposed. Under the circumstances, a sentence four remand is appropriate. *Buckner v. Apfel*, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

IT IS THEREFORE ORDERED that Defendant's Motion to Remand (docket entry #12) is hereby GRANTED. All other pending motions are hereby rendered moot. This is a "sentence four" remand. This dismissal is without prejudice to Plaintiff's subsequent filing for attorney's fees under the Equal Access to Justice Act.

DATED this 7th day of October, 2008.


UNITED STATES MAGISTRATE JUDGE